

COMMENDING GOVERNMENTS OF HUNGARY AND ROMANIA

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 303, submitted earlier today by Senators BROWN and SIMON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 303) commending the Governments of Hungary and Romania on the occasion of the signing of a Treaty of Understanding, Cooperation and Good Neighborliness.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I rise today with my distinguished colleague Senator SIMON to urge adoption of a resolution commemorating a historic treaty.

On September 16, 1996, the governments of Romania and Hungary signed a Treaty of Understanding, Cooperation and Good Neighborliness. Both countries deserve high praise for putting aside long time differences to agree to work together toward their common goal of democracy. This treaty shows the commitment of Romania and Hungary to improve their economic cooperation and to expand military relationships not only between each other, but also to the members of the North Atlantic Treaty Organization.

This agreement will allow both countries to enjoy a broader participation and sets the framework for the type of cooperation that will be required as these countries eventually enter the NATO.

I recently visited Romania and was able to see first hand the remarkable economic changes that are taking place. American investment in Romania doubled from 1993 to 1994 and doubled again in 1995. This agreement, and the increasing regional security that it exemplifies, will ensure increasing opportunities for U.S. investment.

It is clear that Romania and Hungary were able to set aside their long time differences by signing this treaty in order to improve their regional cooperation in hopes that they will eventually be included in NATO. By the mere suggestion that we expand NATO to include the countries of Central and Eastern Europe, we see moves to improve the relationships with their neighbors. If we were to actually expand NATO to include these newly emerging democracies, we would ensure that they will never return to communism. We will ensure that the tragic mistakes of the past will never be repeated and the wonderful people of Central and Eastern Europe will enjoy the long deserved freedoms of democracy.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 303) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 303

Whereas on September 16, 1996, a "Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary" was signed by Gyula Horn, Prime Minister of Hungary, and by Nicolae Vacaroiu, Prime Minister of Romania, in Timisoara/Temesvar, Romania;

Whereas this agreement between the two governments is an important step in contributing to the stability of that region and to reconciliation and cooperation among the nations of Central and Eastern Europe.

Whereas this agreement will enhance the participation of both countries in the Partnership for Peace program and will contribute to and facilitate their closer cooperation with the members of the North Atlantic Treaty Organization and the eventual entry of these countries into full NATO participation; and

Whereas this agreement is a further significant step in the process of reconciliation between Hungary and Romania and reflects the desire and effort of both countries to improve their economic cooperation, to foster the free movement of peoples between their countries, to expand military relationships, and to increase cultural and educational cooperation.

It is resolved by the Senate, That the Senate—

(1) commends the farsighted leadership shown by both the government of Hungary and the government of Romania in reaching agreement on the Treaty of Understanding, Cooperation and Good Neighborliness signed on September 16, 1996;

(2) commends the frank, open, and reasoned political dialogue between officials of Hungary and Romania which led to the treaty;

(3) commends the two countries for their efforts to foster improved relations in all fields; and

(4) calls upon the President to utilize all available and appropriate means on behalf of the United States to support the implementation of the provisions of the "Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary" and to promote their efforts for regional cooperation as the best means of bring these two countries into NATO and to ensure lasting security in the region.

VOICE OF AMERICA AND RADIO MARTI

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 632, H.R. 3916.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3916) to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3916) was deemed read the third time and passed.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 625, S. 1711.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S.1711) to establish a commission to evaluate the programs of the Federal Government and assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Veterans' Benefits Improvements Act of 1996".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—COMMISSION ON TRANSITION ASSISTANCE

Sec. 101. Establishment of commission.

Sec. 102. Duties of commission.

Sec. 103. Powers of commission.

Sec. 104. Miscellaneous administrative provisions.

Sec. 105. Commission personnel matters.

Sec. 106. Termination of commission.

Sec. 107. Definitions.

Sec. 108. Funding.

TITLE II—LIFE INSURANCE PROGRAMS

Sec. 201. Short title.

Sec. 202. Removal of gender references with respect to Servicemen's Group Life Insurance.

Sec. 203. Conversion of retired reservist Servicemembers' Group Life Insurance to Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserves.

Sec. 204. Conversion of SGLI and VGLI to commercial life insurance.

Sec. 205. Technical amendment.

TITLE III—BENEFITS PROVISIONS

Sec. 301. Expansion of period of Vietnam era for certain veterans.

Sec. 302. Revision of authority relating to centers for minority veterans and women veterans.

Sec. 303. Outer burial receptacles.

Sec. 304. Clarification of eligibility of minors for burial in national cemeteries.

- Sec. 305. Extension of authority to treat alternative teacher certification programs as educational institutions for certain educational assistance purposes.
- Sec. 306. Direct loans to refinance loans under Native American Veteran Housing Loan Pilot Program.
- Sec. 307. Clothing allowance for incarcerated veterans.
- Sec. 308. Appointment of veterans service organizations as claimants' representatives.
- Sec. 309. Provision of copies of Board of Veterans' Appeals decisions.
- Sec. 310. Extension of certain authorities for services for homeless veterans.

TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

- Sec. 401. Purposes.
- Sec. 402. Definitions.
- Sec. 403. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
- Sec. 404. Reemployment rights of persons who serve in the uniformed services.
- Sec. 405. Reemployment positions.
- Sec. 406. Leave.
- Sec. 407. Health plans.
- Sec. 408. Employee pension benefit plans.
- Sec. 409. Enforcement of employment or reemployment rights.
- Sec. 410. Enforcement of rights with respect to a State or private employer.
- Sec. 411. Enforcement of rights with respect to Federal executive agencies.
- Sec. 412. Enforcement of rights with respect to certain Federal agencies.
- Sec. 413. Conduct of investigation; subpoenas.
- Sec. 414. Transition rules and effective dates.
- Sec. 415. Effective dates.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMMISSION ON TRANSITION ASSISTANCE

SEC. 101. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the Commission on Service Members and Veterans Transition Assistance (hereafter in this title referred to as the "Commission").

(b) **MEMBERSHIP.**—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters, of whom—

(A) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the Senate, in consultation with the Ranking Member of that committee;

(B) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the House of Representatives, in consultation with the Ranking Member of that committee;

(C) two shall be appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the Ranking Member of that committee; and

(D) two shall be appointed by the Chairman of the Committee on National Security of the House of Representatives, in consultation with the Ranking Member of that committee.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(4) The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of this Act.

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) **CHAIRMAN AND VICE CHAIRMAN.**—The Commission shall select a Chairman and Vice Chairman from among its members.

(g) **MEETINGS.**—The Commission shall meet at the call of the Chairman of the Commission.

(h) **PANELS.**—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) **AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 102. DUTIES OF COMMISSION.

(a) **IN GENERAL.**—The Commission shall—

(1) review the efficacy and appropriateness of veterans transition and assistance programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life upon their separation from the Armed Forces and in providing assistance to veterans in making the transition to, and adjusting to, civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition and assistance programs among the various departments and agencies of the Federal Government and determine the feasibility and desirability of consolidating such administration in one such department or agency;

(3) evaluate proposals for improving such programs, including proposals to consolidate, streamline, and enhance the provision of such assistance and proposals for alternative means of providing such assistance; and

(4) make recommendations to Congress regarding means of ensuring the continuing utility of such programs and assistance and of otherwise improving such programs and the provision of such assistance.

(b) **REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.**—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 101(b)(1) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members in preparing for the transition of such members from military life to civilian life and to facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine—

(A) the adequacy of the programs referred to in paragraph (1) for their purposes;

(B) the adequacy of the support of the Armed Forces for such programs;

(C) the effect, if any, of the existence of such programs on military readiness;

(D) the extent to which such programs provide members of the Armed Forces with job-search skills;

(E) the extent to which such programs prepare such members for employment in the private sector and in the public sector;

(F) the effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service; and

(G) the ways in which such programs could be improved in order to assist such members in securing meaningful employment in the private sector upon their separation from service.

(c) **REVIEW OF PROGRAMS TO ASSIST VETERANS.**—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 101(b)(1) shall—

(A) review the adequacy of programs intended to assist veterans (including disabled veterans, homeless veterans, and economically disadvantaged veterans) in adjusting to civilian life, including the programs referred to in paragraph (2); and

(B) consider—

(i) whether the scope, focus, or content of such programs should be changed as a result of the conversion of the Armed Forces to an all-volunteer force; and

(ii) whether responsibility for administration of such programs should be transferred to a department or agency other than the Department of Veterans Affairs as a result of such conversion and, if so, the department or agency to which the administration should be transferred.

(2) The programs referred to in paragraph (1)(A) are the following:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Federal Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(d) **REPORTS.**—(1) Not later than 90 days after the date on which all members of the Commission have been appointed, the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the heads of other appropriate departments and agencies of the Federal Government.

(2)(A) Not later than one year after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the Secretary of Education, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 103. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 104. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) **MISCELLANEOUS ADMINISTRATIVE SUPPORT.**—The Secretary of Defense and the Secretary of Veterans Affairs shall, upon the request of the Chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 105. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) **TRAVEL AND TRAVEL EXPENSES.**—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—(1) The Chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the Chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government may detail, on a non-reimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Com-

mission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 106. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 102(d)(2).

SEC. 107. DEFINITIONS.

For the purposes of this title—

(1) The term “veterans transition and assistance program” means any program of the Federal Government, including the Department of Defense, the Department of Veterans Affairs, the Department of Labor, and the Department of Education, the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term “Armed Forces” has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term “veterans service organization” means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 108. FUNDING.

(a) **IN GENERAL.**—The Secretary of Defense shall, upon the request of the Chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense.

(b) **AVAILABILITY.**—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

TITLE II—LIFE INSURANCE PROGRAMS**SEC. 201. SHORT TITLE.**

This title may be cited as the “Veterans’ Insurance Reform Act of 1996”.

SEC. 202. REMOVAL OF GENDER REFERENCES WITH RESPECT TO SERVICEMEN’S GROUP LIFE INSURANCE.

(a) **IN GENERAL.**—The following provisions are amended by striking out “Servicemen’s Group Life Insurance” each place it appears and inserting in lieu thereof “Servicemembers’ Group Life Insurance”:

- (1) Subsections (a), (c), and (e) of section 1967.
- (2) Subsections (a) through (d) of section 1969.
- (3) Subsections (a), (f), and (g) of section 1970.
- (4) Section 1971(b).
- (5) Section 1973.
- (6) The text of section 1974(a).
- (7) Subsections (a) (other than the third and fourth sentences), (d), and (g) of section 1977.
- (8) Section 3017(a)(2)(A)(i).
- (9) Section 3224(1).

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—(1) Section 1315(f)(1)(F) is amended by striking out “servicemen’s group life insurance” and inserting in lieu thereof “servicemembers’ group life insurance”.

(2)(A) The heading of subchapter III of chapter 19 is amended to read as follows:

“SUBCHAPTER III—SERVICEMEMBERS’ GROUP LIFE INSURANCE”.

(B) The item relating to such subchapter in the table of sections at the beginning of such chapter is amended to read as follows:

“SUBCHAPTER III—SERVICEMEMBERS’ GROUP LIFE INSURANCE”.

(3)(A) The section head of section 1974 is amended to read as follows:

“§1974. Advisory Council on Servicemembers’ Group Life Insurance”.

(B) The item relating to such section in the table of sections at the beginning of chapter 19 is amended to read as follows:

“§1974. Advisory Council on Servicemembers’ Group Life Insurance.”.

(d) **REFERENCES.**—(1) Any reference to Servicemen’s Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers’ Group Life Insurance.

(2) Any reference to the Advisory Council on Servicemen’s Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to the Advisory Council on Servicemembers’ Group Life Insurance.

SEC. 203. CONVERSION OF RETIRED RESERVIST SERVICEMEMBERS’ GROUP LIFE INSURANCE TO VETERANS’ GROUP LIFE INSURANCE AND EXTENSION OF VETERANS’ GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVES.

(a) **DEFINITIONS.**—Section 1965(5) is amended—

(1) by adding “and” at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) **PERSONS INSURED.**—Section 1967 is amended—

(1) in subsection (a)—

(A) by adding “and” at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the full sentence in the matter following paragraph (2), by striking out “or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title.”;

(2) by striking out subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

(c) **DURATION AND TERMINATION OF COVERAGE.**—Section 1968(a) is amended—

(1) by striking out “subparagraph (B), (C), or (D) of section 1965(5)” in the matter preceding paragraph (1) and inserting in lieu thereof “section 1965(5)(B)”;

(2) by striking out paragraph (4) and inserting in lieu thereof the following new paragraph (4): “(4) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title, one hundred and twenty days after separation or release from such assignment, unless on the date of such separation or release the member is totally disabled, under criteria established by the Secretary, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after separation or release from such assignment.”; and

(3) by striking out paragraphs (5) and (6).

(d) **DEDUCTIONS.**—Section 1969 is amended—

(1) in subsection (a)(2), by striking out “is assigned to the Reserve (other than the Retired Reserve)” and all that follows through “section 1965(5)(D) of this title.”;

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) **CONVERSION OF SGLI TO VGLI.**—The Servicemembers’ Group Life Insurance of any

member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of enactment of this Act.

SEC. 204. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE.

(a) **OPTION TO CONVERT SGLI.**—Subsection (b) of section 1968 is amended to read as follows: "(b)(1) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Secretary, that, except as hereinafter provided, Servicemembers' Group Life Insurance which is continued in force after expiration of the period of duty or travel under section 1967(b) or 1968(a) of this title, effective the day after the date such insurance would cease, shall, at the election of the member or former member concerned—

"(A) be automatically converted to Veterans' Group Life Insurance subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

"(B) be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums.

"(2) Automatic conversion under paragraph (1)(A) shall be effective only in the case of an otherwise eligible member or former member who is separated or released from a period of active duty or active duty for training or inactive duty training on or after the date on which the Veterans' Group Life Insurance program (provided for under section 1977 of this title) becomes effective."

(b) **CONVERSION OF VGLI.**—Section 1977 is amended—

(1) in subsection (a), by striking out the fourth and fifth sentences and inserting in lieu thereof the following sentence: "If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Life Insurance to Servicemembers' Group Life Insurance, Veterans' Group Life Insurance will be payable only if such person is insured for less than \$200,000 under Servicemembers' Group Life Insurance, and then only in an amount which when added to the amount of Servicemembers' Group Life Insurance payable shall not exceed \$200,000."; and

(2) in subsection (e), by striking out the third sentence and inserting in lieu thereof the following new sentence: "A Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the date before the date on which the individual policy becomes effective."

SEC. 205. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out "and (e)" each place it appears in the first and second sentences.

TITLE III—BENEFITS PROVISIONS

SEC. 301. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) **IN GENERAL.**—Section 101(29) of title 38, United States Code, is amended to read as follows:

"(29) The term 'Vietnam era' means the following:

"(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period.

"(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases."

(b) **LIMITED EXPANSION FOR SPECIFIC PURPOSES.**—(1)(A) Paragraphs (1)(B) and (3) of section 1116(a) of such title are each amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,".

(B) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and (4) of such section are each amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,".

(2) Section 1710(e)(1)(A) of such title is amended—

(A) in clause (i), by striking out "during the Vietnam era," and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975,"; and

(B) in clause (ii), by striking out "such era" and inserting in lieu thereof "such period".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 302. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) **SES STATUS OF DIRECTORS.**—Sections 317(b) and 318(b) are each amended by inserting "career or" before "noncareer".

(b) **ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.**—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a-2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

"(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title."

(c) **DEFINITION OF MINORITY VETERANS.**—Section 317 is amended by adding at the end the following:

"(g) In this section—

"(1) The term 'veterans who are minorities' means veterans who are minority group members.

"(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title."

(d) **CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.**—Section 318(d)(10) is amended by striking out "(relating to" and all that follows through "and of" and inserting in lieu thereof "(42 U.S.C. 289a-2) with respect to the inclusion of women in clinical research and on".

(e) **ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.**—(1) Section 542(b) is amended by inserting ", including the Center for Women Veterans" before the period at the end.

(2) Section 544(b) is amended by inserting ", including the Center for Minority Veterans" before the period at the end.

(f) **TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.**—Section 544(e) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 303. OUTER BURIAL RECEPTACLES.

(a) **IN GENERAL.**—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out "a grave liner" each place it appears and inserting in lieu thereof "an outer burial receptacle";

(2) in paragraph (2)—

(A) by striking out "grave liners" and inserting in lieu thereof "outer burial receptacles"; and

(B) by striking out "specifications and procedures" and inserting in lieu thereof "regulations or procedures"; and

(3) by adding at the end the following:

"(3) Regulations or procedures under paragraph (2) may specify that—

"(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

"(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

"(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

"(ii) to pay the amount of the administrative costs incurred by the Secretary concerned in providing the outer burial receptacle in lieu of such grave liner.

"(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary concerned, for payment for outer burial receptacles other than grave liners provided under such regulations or procedures."

(b) **CONFORMING AMENDMENTS.**—(1) The section heading of such section is amended to read as follows:

"§2306. Headstones, markers, and burial receptacles".

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

"2306. Headstones, markers, and burial receptacles."

SEC. 304. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after "minor child" the following: "(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)".

SEC. 305. EXTENSION OF AUTHORITY TO TREAT ALTERNATIVE TEACHER CERTIFICATION PROGRAMS AS EDUCATIONAL INSTITUTIONS FOR CERTAIN EDUCATIONAL ASSISTANCE PURPOSES.

Section 3452(c) is amended in the second sentence by striking out "September 30, 1996" and inserting in lieu thereof "December 31, 1998".

SEC. 306. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) **AUTHORITY.**—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

"(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

"(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

"(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection."

(b) LOAN FEE.—Section 3729(a)(2)(E) of such title is amended by striking out “or 3712(a)(1)(F)” and inserting in lieu thereof “3712(a)(1)(F), or 3762(h)”.

SEC. 307. CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) IN GENERAL.—Chapter 53 is amended by inserting after section 5313 the following new section:

“§5313A. Limitation on payment of clothing allowance to incarcerated veterans

“In the case of a veteran incarcerated in a Federal, State, or local penal institution for a period in excess of sixty days and furnished clothing without charge by the institution, the amount of any clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to $\frac{1}{60}$ th of the amount of the allowance otherwise payable under that section for each day during the 12-month period preceding the date of the payment of the allowance on which the veteran was so incarcerated.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

“5313A. Limitation on payment of clothing allowance to incarcerated veterans.”

SEC. 308. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

“(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.”.

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 309. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Section 7104(e) is amended to read as follows: “(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

“(2) If the claimant has an authorized representative, the Board shall—

“(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

“(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.”.

SEC. 310. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 1998”.

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

“(E) \$10,000,000 for fiscal year 1997.

“(F) \$10,000,000 for fiscal year 1998.”.

TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 401. PURPOSES.

Section 4301(a)(2) is amended by striking out “under honorable conditions”.

SEC. 402. DEFINITIONS.

Section 4303(16) is amended by inserting “national” before “emergency”.

SEC. 403. DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE UNIFORMED SERVICES AND ACTS OF REPRISAL PROHIBITED.

Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

“(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. This subsection shall apply with respect to a person regardless of whether the person has performed service in the uniformed services.

“(c) An employer shall be considered to have engaged in actions prohibited—

“(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

“(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

“(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position covered by section 4312(d)(1)(C).”.

SEC. 404. REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES.

(a) INCLUSION OF PREPARATION AND TRAVEL TIME PRIOR TO SERVICE.—Section 4312(a) is amended by striking out “who is absent from a position of employment” and inserting in lieu thereof “whose absence from a position of employment is necessitated”.

(b) LIMITATION ON SERVICE EXEMPTION TO WAR OR NATIONAL EMERGENCY.—Section 4312(c)(4)(B) is amended to read as follows:

“(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;”.

(c) BRIEF, NONRECURRENT PERIODS OF SERVICE.—Section 4312(d)(2)(C) is amended by striking out “is brief or for a nonrecurrent period and without a reasonable expectation” and inserting in lieu thereof “is for a brief, nonrecurrent period and there is no reasonable expectation”.

(d) CONFORMING AMENDMENTS TO REDESIGNATIONS IN TITLE 10.—Section 4312(c) is amended—

(1) in paragraph (3), by striking out “section 270” and inserting in lieu thereof “section 10147”; and

(2) in paragraph (4)—

(A) by striking out “section 672(a), 672(g), 673, 673b, 673c, or 688” in subparagraph (A) and inserting in lieu thereof “section 688, 12301(a), 12301(g), 12302, 12304, or 12305”; and

(B) by striking out “section 673b” in subparagraph (C) and inserting in lieu thereof “section 12304”; and

(C) by striking out “section 3500 or 8500” in subparagraph (E) and inserting in lieu thereof “section 12406”.

SEC. 405. REEMPLOYMENT POSITIONS.

Section 4313(a)(4) is amended—

(1) by striking out “uniform services” in subparagraph (A)(ii) and inserting in lieu thereof “uniformed services”; and

(2) by striking out “of lesser status and pay which” and inserting in lieu thereof “which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which”.

SEC. 406. LEAVE.

Section 4316(d) is amended by adding at the end the following new sentence: “No employer may require any such person to use vacation, annual, or similar leave during such period of service.”.

SEC. 407. HEALTH PLANS.

Section 4317(a) is amended—

(1) by striking out “(a)(1)(A) Subject to paragraphs (2) and (3), in” and inserting in lieu thereof “(a)(1) In”;

(2) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by paragraph (1) of this section) as subparagraphs (A) and (B), respectively;

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 408. EMPLOYEE PENSION BENEFIT PLANS.

The last sentence of section 4318(b)(2) is amended by striking out “services,” and inserting in lieu thereof “services, such payment period”.

SEC. 409. ENFORCEMENT OF EMPLOYMENT OR REEMPLOYMENT RIGHTS.

(a) TECHNICAL AMENDMENT.—The second sentence of section 4322(d) is amended by inserting “attempt to” before “resolve”.

(b) NOTIFICATION.—Section 4322(e) is amended—

(1) in the matter preceding paragraph (1), by striking out “with respect to a complaint under subsection (d) are unsuccessful,” and inserting in lieu thereof “with respect to any complaint filed under subsection (a) do not resolve the complaint,”; and

(2) in paragraph (2), by inserting “or the Office of Personnel Management” after “Federal executive agency”.

SEC. 410. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

Section 4323(a) is amended—

(1) in paragraph (1), by striking out “of an unsuccessful effort to resolve a complaint”; and

(2) in paragraph (2)(A), by striking out "regarding the complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

SEC. 411. ENFORCEMENT OF RIGHTS WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

(a) REFERRAL.—Section 4324(a)(1) is amended by striking out "of an unsuccessful effort to resolve a complaint relating to a Federal executive agency".

(b) ALTERNATIVE SUBMISSION OF COMPLAINT.—Section 4324(b) is amended—

(1) in the matter preceding paragraph (1), by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) in paragraph (1), by striking out "regarding a complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

(c) RELIEF.—Section 4324(c)(2) is amended—

(1) by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) by striking out "employee" and inserting in lieu thereof "Office".

SEC. 412. ENFORCEMENT OF RIGHTS WITH RESPECT TO CERTAIN FEDERAL AGENCIES.

Section 4325(d)(1) is amended—

(1) by striking out "alternative employment in the Federal Government under this chapter,"; and

(2) by striking out "employee" the last place it appears and inserting in lieu thereof "employees".

SEC. 413. CONDUCT OF INVESTIGATION; SUBPOENAS.

Section 4326(a) is amended by inserting "have reasonable access to and the right to interview persons with information relevant to the investigation and shall" after "at all reasonable times,".

SEC. 414. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of enactment of this Act, which is served up to 60 days after the date of enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 415. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by section 404(d) of this Act shall take effect as of December 1, 1994.

AMENDMENT NO. 5418

Mr. NICKLES. Mr. President, Senator SIMPSON has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] for Mr. SIMPSON, for himself and Mr. ROCKEFELLER, proposes amendment numbered 5418.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SIMPSON. Mr. President, I rise to speak briefly on S. 1711, the Veterans Benefits Improvements Act of 1996.

This bill is one of three major veterans' bills being considered this week by the Senate; the other two are S. 1791, a bill to provide cost of living increases to recipients of veterans' benefits, and H.R. 3118, a compromise measure crafted jointly by the members of the House and Senate Committees on Veterans' Affairs which would, among other things, reform the eligibility standards for VA health care. These three bills are the culmination of 2 years of work in the Veterans' Affairs Committee. They are all good bills, bills that have achieved bipartisan support within the Committee. They are also bills that, while they put into place useful, even vital, legislation—without "breaking the bank."

Time is becoming a precious commodity as the Senate winds down in these final days, so I will not overstay my welcome with a lengthy explanation of the contents of S. 1711. A detailed explanation of the original bill as reported by the Committee on Veterans' Affairs—and of the eight bills from which it is derived—is in the committee's report of the legislation. A detailed explanation of the bill, as it would be amended in accordance with an agreement reached with our House counterparts, is set out in the "Joint Explanatory Statement" which I request be made part of the RECORD. I will, however, summarize.

S. 1711, as reported, would, first, create a commission proposed by our former leader, Bob Dole. That commission, the Commission on Service Members and Veterans Transition Assistance, would study current programs designed to assist service members and veterans in readjusting to civilian life after service. Based on that analysis, it would report to the Congress its recommendations on how such programs might be improved.

I have yet to see a Government program, Mr. President, that cannot stand improvement, so I am confident that the next Congress will be provided with useful information on how we can better assist veterans in readjusting to civilian life.

S. 1711 would also put into place a number of reforms in VA-administered life insurance programs. Most notably, it would make lifetime insurance coverage available to retired reservists who now can only get such coverage until they are 61-years old. It would also facilitate the viatication—or cashing out—of life insurance policies by the terminally ill before they die. These are significant, and useful, reforms.

The bill would also redefine the term "Vietnam era" for purposes of VA programs. Some members of the Senate may be surprised to learn that the legal definition of the "Vietnam era" extends only from August 5, 1964—the date of the incident which gave rise to the Gulf of Tonkin resolution—until May 7, 1975. United States troops were in Vietnam, however, before that time, and by February 28, 1961, they were accompanying their Vietnamese counterparts on combat missions.

In short, U.S. troops were subjected to the real perils of ground combat at least as early as February 28, 1961. This bill would recognize that fact by redefining the term "Vietnam era" back to February 28, 1961 for purposes of most VA programs. This amendment is more than a symbolic one—though the symbolic value of recognizing the valor of those who were first into Vietnam should not be lost. Some VA benefits—most notably pension benefits to assist poor "wartime" veterans who are disabled due to non-service-connected injury or disease—are only available to those who served in wartime. It is entirely appropriate that such benefits be extended to those who actually faced peril in Vietnam before that war's "legal" starting date.

The bill would make a number of other constructive improvements to VA education, home loan, and burial benefit programs, and would also make necessary changes in procedures governing VA's adjudication of claims. I know that every Senator is concerned about the time it takes for VA to process a veteran's application for benefits. Progress is being made on that front—but more needs to be made.

Finally, Mr. President, this bill, as reported, would make a series of technical corrections to a massive piece of legislation approved by the 103d Congress, the Uniformed Services Employment and Reemployment Rights Act of 1994, Public Law 103-353. That bill was the product of a multiyear executive branch effort, spanning both the Bush and Clinton administrations, which resulted in a recommended updating of Veterans Reemployment Rights laws which dated back to World War II. Those laws, which allow service members to return to prior employment after service, had not been systematically reviewed since World War II. The 1994 legislation took care of that—and did so, I might add, after an extraordinary display of joint, cooperative effort by the executive and legislative branches, and by employer and veterans' groups. But, as is often the case in a massive restructuring of the law, the bill, as enacted, contained both ambiguities and technical oversights and errors. S. 1711 contains provisions to correct such problems.

Mr. President, the amendment to S. 1711 which I offer today contains each and all of these key provisions from S. 1711. It would add, however, a series of provisions adopted by the House in various bills which I—and the ranking

member, my good friend, Senator JAY ROCKEFELLER—have agreed to. Crucial among those provisions are amendments to the law which will have the effect of overturning the result reached by the Court of Veterans Appeals in the case, *Davenport v. Brown*, 7 Vet.App. 476 (1995). In that case, the Court construed existing law creating veterans' eligibility for vocational rehabilitation benefits, and ruled that since the statutes do not require that there be a connection between the veteran's service-connected disability and his or her employment handicap, VA could not impose such a requirement as a condition to the receipt of vocational rehabilitation benefits. That requirement—which VA had imposed by now-overturned regulations literally for decades—would be reinstated.

The House-enacted amendments to which we have agreed would also put into place a number of constructive changes to the "Montgomery GI Bill." It would provide for benefits to students participating in cooperative and open-circuit television programs. More importantly, it would allow certain previously ineligible persons—those eligible for the education benefits program in place before enactment of the Montgomery GI bill, and certain National Guard members and reservists—to "buy into" Montgomery GI bill benefits.

Finally, these additions would create equity with respect to benefits earned by deceased veterans. First, they would increase the benefits made available to the survivors of veterans who were entitled to VA compensation benefits, but who had not established their entitlement through VA's adjudication process before they died. S. 1711 would allow the survivors of such veterans to claim 2 years' worth of compensation. It would also allow the survivors of any veteran receiving compensation to retain compensation paid for the month within which the veteran died. Currently, Mr. President, VA requests that the veteran's widow refund money previously sent by VA.

As I said when I began these comments, S. 1711 is a good, thoughtful, useful bill. It is also a bill that does not "bust the budget." It is just the sort of legislation—good legislation that does not add to the deficit—that I was determined to guide through the Veterans' Affairs Committee when I assumed the chairmanship of the committee this Congress.

I recall that when I assumed the job of chairman in the 104th Congress—much to the chagrin of some so-called "leaders" of the veterans community—there was a good deal of gnashing of teeth. Worse, there was much distortion of what they assumed I planned to do. It was bandied about that I would cut veterans' benefits. Many assumed that, and based on that assumption, some service organizations fanned the flames of fear among veterans. Their assumptions about what I would seek to accomplish were grossly in error, as

this and other bills—and history—have shown. They were based, I can only surmise, on the mistaken belief that my zeal for restraining the growth in entitlements spending would lead me to cutting veterans' benefits. I, of course, had never proposed cuts—because cuts in entitlements' spending are not necessary to get control over the deficit. All that is required is restrained growth.

The bill before the Senate now reflects that sort of restraint. It includes positive, useful, constructive, bipartisan legislation that helps veterans, and does not contribute to the deficit. Such legislation is possible, if all start with the determination to craft that form of thoughtful legislation. I do thank the members of the Veterans' Affairs Committee, particularly the committee's ranking minority member, my friend, Senator "JAY" ROCKEFELLER, and the committee's staff, for working with me to put together that sort of legislation.

I urge the Senate's approval of S. 1711.

Mr. President, I ask unanimous consent that relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON S. 1711, AS AMENDED

S. 1711, as amended, reflects a compromise agreement that the House and Senate Committees on Veterans' Affairs have reached on certain bills considered in the House of Representatives and the Senate during the 104th Congress. These are H.R. 1483, which passed the House on May 21, 1996; H.R. 2289, which passed the House on December 12, 1995; H.R. 3373, which passed the House on May 21, 1996; H.R. 3673, which passed the House on July 16, 1996; H.R. 3674, which passed the House on July 17, 1996 (hereinafter referred to in context as "House Bill"); and S. 1711, which passed the Senate on September 27, 1996 (hereinafter referred to as "Senate Bill").

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of S. 1711, as amended (hereinafter referred to as the "Compromise Agreement"). Differences between the provisions contained in the Compromise Agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

TITLE I—EDUCATION BENEFITS

REPEAL OF THE DAVENPORT DECISION

Current law

Since 1917, when vocational rehabilitation for veterans was established by law, a causal relationship between a veteran's service-connected disability and an employment handicap was required for service-disabled veterans to be eligible for vocational rehabilitation benefits. This nexus formed the basis for the original program and defined the Nation's responsibility for vocational rehabilitation to those veterans who incur or aggravate a disability while serving in our Armed Forces.

In 1980, Public Law 96-466 extensively revised vocational rehabilitation programs in chapter 31 of title 38 and the express statutory language requiring the causal relation-

ship was omitted. As a result, under current law, veterans seeking vocational rehabilitation benefits under chapter 31 satisfy the statutory requirements if they (1) have a compensable service-connected disability and (2) are found to be in need of rehabilitation because of an employment handicap. Nonetheless, when VA promulgated regulations related to the changes in the vocational rehabilitation programs, VA continued to require the causal relationship as it had in the past.

A 1995 Court of Veterans Appeals decision, *Davenport v. Brown*, 7 Vet.App. 476 (1995), found no statutory support for VA's regulations requiring a causal relationship between the service-connected disability and the employment handicap. As a result, VA estimated that the decision would produce 32,366 additional participants in vocational rehabilitation programs over 5 years—a 14.4 percent increase in participation and a 14.6 percent increase in entitlement spending.

House bill

Section 101 of H.R. 3674 would, in effect, reverse the *Davenport* decision, and reinstate original Congressional intent by restoring the requirement of a causal relationship between a veteran's service-connected disability and employment handicap for the purpose of awarding vocational rehabilitation benefits.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 101 follows the House bill.

ALTERNATIVE TEACHING CERTIFICATION PROGRAMS

Current law

A pilot program which provides Montgomery GI Bill benefits to persons pursuing State-approved alternative teacher programs through non-traditional educational institutions established under Public Law 103-446 and defined at section 3452(c) of title 38, United States Code, is set to expire on September 30, 1996. Such programs typically offer certification through a combination of course work and "student teaching" under the guidance of a certified teacher and are sponsored by educational institutions, such as State or local boards of education. The program saves both time and tuition for the new teacher.

House bill

Section 105 of H.R. 3674 would make the program permanent.

Senate bill

Section 305 of S. 1711 would extend the program for twenty-seven months.

Compromise agreement

Section 102 follows the House bill.

GI BILL "TWO-YEAR" RULE MODIFICATION

Current law

Under section 3689 of title 38, GI Bill benefits are not authorized for the pursuit of training unless the institution and course offered have been in operation for two years.

Under chapter 36 of title 38, GI Bill benefits are not authorized for courses offered on or through military bases under contract with the Department of Defense (DoD).

House bill

Section 201 of H.R. 3673 would: (a) remove the two year restriction on all degree granting institutions, including branch campuses (but not on non-degree granting institutions); (b) authorize the Secretary to approve

the use of GI Bill benefits for courses offered on or through military bases under contract with DoD; and (c) strengthen and clarify the requirements under which the State Approving Agencies approve courses.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 103 follows the House bill.

ELIMINATION OF THE DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY

Current law

Under section 3482(f) of title 38, a veteran who takes a course by open circuit TV, unlike other courses of independent study, must be concurrently enrolled in an in-residence course to receive educational assistance under the GI Bill.

House bill

Section 202 of H.R. 3673 would eliminate the requirement of being concurrently enrolled in an in-residence course, and would, for benefit purposes, make a course taught by open circuit TV equivalent to a course in independent study.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 104 follows the House bill.

COOPERATIVE PROGRAMS

Current law

Under sections 3032, 3231 and 3532(b), veterans enrolled in cooperative training programs—a combination of in-residence class work at an institution of higher learning and work experience at a job site—receive 80 percent of the full-time educational benefit rate.

House bill

Section 204 of H.R. 3673 would authorize veterans enrolled in cooperative training programs to receive the full amount of the educational benefit rate.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 105 follows the House bill.

ENROLLMENT OF VEAP PARTICIPANTS IN THE MONTGOMERY GI BILL

Current law

Chapter 32 authorizes the Secretary to operate the Veterans' Education Assistance Program (VEAP) for post-Vietnam servicemembers who enrolled after December 31, 1976 and before April 1, 1987. VEAP was the first VA contributory education benefit plan. Under VEAP, active duty servicemembers made voluntary contributions to an individual account which the federal government matched at a 2:1 ratio. The maximum participant contribution was \$2,700 and participants could elect to make a lump-sum contribution to the fund. In most cases, a veteran had 10 years in which to use the education benefit and/or make a claim for the unused contribution.

According to VA statistics, 18,927 persons used their VEAP entitlement in fiscal year 1995, which amounted to four percent of the total persons using VA training and education benefits. By comparison, the Montgomery GI Bill provided benefits to nearly 292,000 trainees, or 59 percent of the total.

House bill

Section 103 of H.R. 3674 would authorize servicemembers participating in VEAP to transfer to the Montgomery GI Bill.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 106 follows the House bill.

MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN CURRENT AND FORMER ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD

Current law

Current and former active duty members of the Army and Air National Guard who served between June 30, 1985 and November 29, 1989 are not eligible to participate in any VA education programs.

House bill

Section 104 of H.R. 3674 would provide eligibility for the Montgomery GI Bill to certain current and former active duty members of the Army and Air National Guard who served between June 30, 1985 and November 29, 1989.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 107 follows the House bill.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

SUBTITLE A—HOUSING

ENHANCED LOAN ASSET SALE AUTHORITY

Current law

Section 3720(h) of title 38 authorizes VA to guarantee the timely payment of principal and interest to purchasers of real estate mortgage investment conduits (REMICs). REMICs are used to "bundle" and market a number of vendee loan notes—that is, notes on direct loans made by VA to purchasers of VA-acquired real estate—so that they may be sold for cash under favorable terms. Under this authority, VA guarantees to REMIC purchasers that principal and interest will be paid in a timely manner. That assurance facilitates the marketing of such securities and enhances their value in the marketplace and simultaneously reduces the interest paid by VA on the notes, thus increasing the return to the Treasury when such securities are sold.

VA's authority to guarantee REMICs expires on December 31, 1996.

House bill

Section 205 of H.R. 3673 would extend, through December 31, 1997, VA's authority to guarantee the timely payment of principal and interest to purchasers of REMICs.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 201 follows the House bill.

REFINANCING OF NATIVE AMERICAN HOME LOANS

Current law

Section 3762 authorizes the Secretary to make a direct housing loan to a Native American veteran if, at the time the loan is made, the Secretary and the tribal organization that has jurisdiction over the veteran have entered a memorandum of understanding with respect to such loans.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 306 of S. 1711 would authorize the Secretary to make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under section 3762 providing the new interest rate is at least one percent below the existing mortgage.

Compromise agreement

Section 202 follows the Senate bill.

SUBTITLE B—MEMORIAL AFFAIRS

MINORS' BURIAL ELIGIBILITY

Current law

Prior to 1973, the Department of the Army operated national cemeteries. In 1973, this

function was transferred to the VA with an intent that similar eligibility rules should apply under the VA's management. Title 24 of United States Code, regarding the Army, defines the term "minor child" as a person under age 21. However, VA regulations at 38 C.F.R. 1.620(g) allow burial eligibility for a "minor child" if such a child was, at death, under 21 or under 23 and pursuing a course of instruction at an approved educational institution.

House bill

Section 201 of H.R. 3373 would clarify that for burial purposes, "minor child" includes students up to age 23 who had been pursuing a course of instruction at an approved educational institution, and amend section 2402(5) of title 38 to incorporate VA's regulatory definition.

Senate bill

Section 304 of S. 1711 contains an identical provision.

Compromise agreement

Section 211 contains this provision.

BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES

Current law

Section 2303(a) authorizes VA to pay burial benefits for veterans who die in VA medical facilities or in facilities at which the veteran was receiving hospital or nursing home care under contract with VA.

House bill

Section 303 of H.R. 3673 would provide burial costs and transportation to the place of burial for a veteran who dies in a State nursing home.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 212 follows the House bill.

OUTER BURIAL RECEPTACLES

Current law

Section 2306(d) of title 38 requires the Secretary to provide grave liners for each new grave in a national cemetery in which remains are interred in a casket at no cost to the veteran's survivors. The Secretary of the Army is also authorized to provide a grave liner for such graves at Arlington National Cemetery.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 303 of S. 1711 would require VA, and authorize the Secretary of the Army, to furnish grave liners or burial vaults or other casket receptacles as provided by regulations or procedures adopted to implement this statutory change. Such regulations or procedures would allow persons to elect burial receptacles other than grave liners and, if they did, would require them to pay any additional cost associated with such products and, in addition, an amount which reflects the administrative costs incurred in providing, and procuring, that product choice.

Compromise agreement

Section 213 follows the Senate bill.

TITLE III—EMPLOYMENT AND TRAINING

SUBTITLE A—VETERANS' EMPLOYMENT AND TRAINING

VETS REORGANIZATION

Current law

Section 4102A authorizes Veterans' Employment and Training (VETS) regional offices under the Secretary of Labor equal to the number of regional offices maintained by

the Department of Labor's Employment and Training Administration. VETS Regional Administrators are not required to be veterans.

Section 4103(a) authorizes full-time Federal clerical support personnel to be assigned to each State Directors for VETS in accordance with applicable provisions of title 5, United States Code.

Section 4103(b) requires each VETS State Director and Assistant State Director to be a resident of the state of appointment for at least two years prior to assuming the position.

House bill

Title II of H.R. 2289 would (a) reduce the number of VETS regional administrators to no fewer than five and require that each appointed after enactment of this bill be a veteran; (b) expand the duties of certain clerical personnel assigned to VETS State Directors to include more substantive VETS program responsibilities; (c) maintain the residency requirement except that an individual who had served as a VETS State Director or Assistant State Director for at least two years would become eligible for either position in any state; and (d) authorize the Secretary of Labor to conduct a pilot program to investigate methods of service delivery to veterans.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

The Compromise Agreement incorporates some of the provisions of the House bill. It requires that each Regional Administrator appointed after enactment of the bill be a veteran, and follows paragraphs (b) and (d) described in the House bill.

SUBTITLE B—TECHNICAL AMENDMENTS RELATING TO THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994

USERRA TECHNICAL AMENDMENTS

Current law

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) revised chapter 43 of title 38, United States Code, which safeguards the employment and reemployment rights of members of the uniformed services. Because the laws are complex and technical, the Committee anticipated that as the law was implemented, minor problems would occur and future technical amendments would be necessary to clarify the intent of Congress.

House bill

Title III of H.R. 2289 would make technical amendments to chapter 43 of title 38.

Senate bill

Title IV of S. 1711 contains substantially identical provisions.

Compromise agreement

In sections 311-313, the Compromise Agreement contains these provisions.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM AMENDMENTS

Current law

Under chapter 19 of title 38, the VA administers six life insurance programs and supervises the administration of two others for the benefit of servicemembers, veterans and their beneficiaries. The two programs supervised by the VA, Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI), are administered under a contract with the Prudential Insurance Company. SGLI provides low cost group life insurance to persons on active duty, ready and

retired reservists, and persons in several other uniformed services. VGLI, a post-separation insurance program, provides for the conversion of SGLI policies to five-year renewable term policies. When members of the Ready Reserve retire with 20 years of service or are transferred to the Retired Reserve they may continue their SGLI coverage until they receive their first retired paycheck or reach age 61, whichever occurs first. Servicemembers covered by SGLI policies may not convert their insurance to commercial policies upon separation. Upon separation, they must convert to VGLI policies, and VGLI policies may not be converted to commercial policies for 5 years. The Department of Defense is not required to furnish information about life insurance programs.

House bill

Sections 101-104 of H.R. 3373 would (a) merge the Retired Reservists' component of SGLI with VGLI and make lifetime coverage under VGLI available to Retired Reservists; (b) give insureds an option to convert the VGLI policies to commercial policies at any time; (c) require the appropriate Secretary to furnish general information about life insurance to servicemembers; and (d) change the name of Servicemen's Group Life Insurance to Servicemembers' Group Life Insurance.

Senate bill

Title II of S. 1711 contains substantially identical provisions, except for the House provision described in (c).

Compromise agreement

In sections 401-406, the Compromise Agreement follows the House Bill.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

VA CENTERS FOR MINORITY AND WOMEN VETERANS

Current law

Section 317 of title 38 established a Center for Minority Veterans in VA and section 318 established a Center for Women Veterans in VA. Each Center is run by a director who is required to be a noncareer appointee in the Senior Executive Service, appointed for a six year term.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 302 of S. 1711 would (a) allow career and noncareer appointees to be directors of the centers; (b) expand the functions of the Center for Minority Veterans and clarify functions of the Center for Women Veterans in order to make the functions of the centers more parallel; and (c) extend, through December 31, 1999, the Advisory Committee on Minority Veterans.

Compromise agreement

Section 501 follows the Senate bill.

REPEAL OF INCARCERATED VETERANS' CLOTHING ALLOWANCE

Current law

Under chapter 53 of title 38, VA is required to pay a clothing allowance to each veteran, who, because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance which tends to wear out or tear clothing. VA also makes clothing allowance payments to each veteran who uses medication prescribed for a service-connected skin condition and whose outer garments sustain irreparable damage due to the use of that medication.

House bill

Section 104 of H.R. 3673 would add a new section 5313A to title 38 which would require

VA to withhold payment on a pro-rated basis to veterans incarcerated for more than 60 days in penal institutions and who receive institutional clothing at no personal expense.

Senate bill

Section 307 of S. 1711 contains a substantively identical provision.

Compromise agreement

Section 502 contains this provision.

EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION

Current law

Section 402 of the Veterans' Benefits Improvements Act of 1994 (Public Law 103-446) established the Veterans' Claims Adjudication Commission to study the processes and procedures of the VA for the adjudication, resolution, review and final disposition of VA benefits claims. On April 23, 1996, the Chairman of the Veterans' Claims Adjudication Commission submitted a request for an extension in order to complete the study requirements set forth in Public Law 103-446.

House bill

Section 105 of H.R. 3673 would authorize the extension of the Commission's final report deadline from May 2, 1996 to December 31, 1996. Section 105 of H.R. 3673 would also authorize an additional \$75,000 in fiscal year 1996 and \$75,000 in the first two quarters of fiscal year 1997. These funds would be available in either fiscal year.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 503 follows the House bill.

PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS

Current law

Physicians employed by the Veterans Health Administration may conduct disability examinations of applicants for VA benefits. There is no express provision in current law relating to the use of contract physicians for disability examinations of applicants for VA benefits.

House bill

Section 103 of H.R. 3673 would establish a pilot program for the use of contract physicians for disability examinations at up to 10 VA regional offices.

Senate bill

The Senate Bill contains no comparable provision.

Compromise agreement

Section 504 follows the House bill. The Compromise Agreement contains a requirement that the costs of the pilot program be paid from the Compensation and Pensions account.

DEFINITION OF VIETNAM ERA

Current law

Section 101(29) of title 38 defines the term "Vietnam era" as the period beginning August 5, 1964 and ending on May 7, 1975.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 301 of S. 1711 would: (a) change the beginning date of the Vietnam era from August 5, 1964 to February 28, 1961 in the case of a veteran who served in the Republic of Vietnam for purposes of VA programs generally; and (b) change the beginning date of the Vietnam era to January 9, 1962 for VA benefits and health care eligibility provisions which presume that the veteran had been exposed to herbicides and defoliants while in the Republic of Vietnam.

Compromise agreement

Section 505 follows the Senate bill.

EFFECTIVE DATE OF DISCONTINUANCE OF CERTAIN VETERANS' BENEFITS BY REASON OF DEATH OF RECIPIENT

Current law

Section 5112(b) authorizes the Secretary to reduce or discontinue the payment of compensation, dependency and indemnity compensation, or pension benefits when the recipient marries or remarries or dies. The effective date of such a reduction or discontinuance is the last day of the month before the marriage, remarriage or death occurs.

House bill

Section 201 of H.R. 3674 would permit a surviving spouse to retain compensation or pension payments pro rated to the day of the death, instead of the last day of the previous month. The effective date for this provision would be October 1, 1997.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 506 follows the House bill but changes date of payment to the last day of the month in which the veteran dies. Where under section 506, the surviving spouse who has been paid benefits for the full month in which the veteran died, is subsequently determined to be entitled to DIC or pension, it is expected that VA will reduce the award of DIC or pension by the amount of benefits paid to the surviving spouse for the month of the veteran's death.

INCREASE OF ACCRUED BENEFITS PAYABLE AFTER DEATH

Current law

Section 5121 authorizes the Secretary to make payments of accrued benefits to survivors for one year when the veteran dies prior to complete adjudication of a VA claim.

House bill

Section 202 of H.R. 3674 would authorize the Secretary to make payments of accrued benefits to survivors for two years when the veteran dies prior to complete adjudication of a VA claim.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 507 follows the House bill.

BVA PROVISIONS

Current law

The Court of Veterans Appeals invalidated the Board of Veterans' Appeals (Board) past practice of mailing decisions in *Trammell v. Brown*, 6 Vet. App. 181 (1994). Section 7104(e) of title 38, United States Code, specifies that "the Board shall promptly mail a copy of its written decision to the claimant and the claimant's authorized representative (if any)." Prior to this decision, the Board's method of "mailing" a copy of a decision to a representative depended on where the representative was located. For a representative at the Board's offices in Washington, D.C., a contractor hand-delivered the Board decision to the representative. For a representative at a VA regional office, the Board gave the decision to the contractor, who "bundled" mail for the 58 VA regional offices and delivered the bundles to the U.S. Postal Service. Upon receipt, each regional office sorted its bundled mail and distributed any Board decision to the appropriate representative at that regional office. For a representative at an office at a VA facility, the Board mailed its decision directly to the representative.

The Court of Veterans Appeals held that the phrase "the Board shall promptly mail" in section 7104(e) means that the Board decision must be delivered directly by the Board into the custody of the U.S. Postal Service. This decision precluded a Board employee or contractor from delivering a decision to a service organization representative. Rather, the Board is currently required to deliver the decision to the U.S. Postal Service.

Section 5902 of title 38 authorizes the Secretary to recognize representatives of certain veterans service organizations in the preparation, presentation and prosecution of VA benefit claims.

House bill

The House bill contains no provisions relating to this matter.

Senate bill

Section 309 of S. 1711 would (a) permit the Board to send its decisions to claimants' representatives by any means reasonably calculated to provide them with a copy of the decision within the same time a copy of the decision sent by first-class mail would be expected to reach them; and (b) permit VA to treat a claimant's power of attorney as an appointment of an entire service organization as the claimant's representative, unless the claimant specifically indicates a desire to limit the power of attorney to a specific representative of an organization. In cases where no such specific indication is made, when the Secretary is required or permitted to notify a claimant's representative, the Secretary would be authorized to notify the organization at the address designated by the organization for such purposes.

Compromise agreement

Section 508 follows the Senate bill.

VA EDUCATION SERVICE

Current law

The VA's Education Service is currently located in Washington, D.C. However, the VA has proposed to move its offices to St. Louis, MO as part of the Veterans Benefits Administration's effort to restructure.

House bill

Section 202 of H.R. 3373 would require VA's Education Service to be located in Washington, D.C.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 509 would prohibit the VA from expending any appropriated funds to move VA's Education Service from its current location in Washington, DC prior to December 31, 1997.

TITLE VI—OTHER MATTERS

HOMELESS VETERANS' REINTEGRATION PROJECT

Current law

The Department of Labor administers the Homeless Veterans' Reintegration Project (HVRP) which is designed to help indigent and homeless veterans return to society as productive citizens. Veterans are estimated to account for one-third of the adult male homeless population. Aided by community-based organizations, the program places homeless veterans in jobs. In the past, the program had been funded at \$5 million per year, but in fiscal year 1996, HVRP did not receive an annual appropriation. Rather, the Appropriations Committee urged the Secretary of Labor to fund the program from a discretionary spending account. Public Law 103-446 indicated the sense of Congress that organizations dedicated to serving homeless veterans should receive a share of federal funds devoted to the homeless in a proportion roughly equal to the percentage of vet-

erans among the general homeless population.

House bill

Section 206 of H.R. 3673 would authorize appropriations to the program at \$10,000,000 per year for fiscal years 1997 through 1999.

Senate bill

Section 310 of S. 1711 would authorize appropriations to the program at \$10,000,000 per year for fiscal years 1997 and 1998.

Compromise agreement

Section 601 follows the Senate bill.

REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS

Current law

Under title 36, United States Code, the American Battle Monuments Commission (ABMC) is not authorized to accept monetary donations for the maintenance of overseas memorials for which ABMC has accepted responsibility from private entities.

House bill

Section 301 of H.R. 3673 would authorize the ABMC to accept monetary donations for the maintenance of overseas memorials determined by the ABMC to be of sufficient importance to warrant long term Federal responsibility.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 602 follows the House bill except that ABMC may not accept monetary donations until it adopts reporting and accounting systems.

TITLE VII—COMMISSION ON TRANSITION ASSISTANCE

COMMISSION ON SERVICE MEMBERS AND VETERANS TRANSITION ASSISTANCE

Current law

There is no provision in current law relating to the establishment of a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Title I of S. 1711 would establish a Commission on Service Members and Veterans Transition Assistance to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life. The Commission would review the efficacy and appropriateness of such existing programs.

Compromise agreement

Title VII follows the Senate bill but clarifies the duties of both Commission panels regarding transition and veterans benefits programs, and makes other perfecting amendments.

ADDITIONAL MATTERS: CLEAR AND UNMISTAKABLE ERROR

Current law

Under 38 C.F.R. 3.105(a), decisions made by VA regional offices are subject to review on the grounds of clear and unmistakable error. Decisions made by the Board of Veterans' Appeals are not subject to this standard of review by law or regulation.

House bill

H.R. 1483 would codify this regulation as it applies to VA regional office decisions and extend the principle underlying it to Board decisions.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CANCER IS SERVICE-CONNECTED

Current law

Section 1112(c) lists certain diseases that are presumed to be service-connected in radiation exposed veterans. Veterans diagnosed with such diseases are eligible for compensation benefits.

House bill

Section 101 of H.R. 3673 would add bronchiolo-alveolar carcinoma, a radiation-related cancer of the lung, to the list of presumptive service-connected diseases which manifest in radiation exposed veterans.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

PRESUMPTION OF PERMANENT/TOTAL DISABILITY IF A VETERAN IS 65 YEARS OF AGE AND IN A NURSING HOME

Current law

Under section 1502(a), a person is considered to be permanently and totally disabled if such a person is unemployable as a result of a disability which is reasonably certain to continue throughout the life of the person. A person is also considered to be permanently and totally disabled if suffering from any disability which renders it impossible for the average person to be gainfully employed throughout the person's life. The Secretary may also make a determination that any disease or disorder renders a person permanently and totally disabled.

House bill

Section 102 of H.R. 3673 would provide a presumption of permanent and total disability for veteran nursing home patients over the age of 65.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

MEDICAL QUALIFICATIONS FOR FLIGHT TRAINING

Current law

Sections 3034(d)(2) and 3241(b)(2) of title 38 and section 16136(c) of title 10 authorizes education benefits to a veteran enrolled in a course of flight instruction provided a commercial pilot medical certificate is maintained throughout flight training. If VA later discovers that the veteran's medical certification has lapsed during training, an overpayment may be created.

House bill

Section 203 of H.R. 3673 would authorize payment of educational benefits for flight training provided the veteran meets the medical requirements for a commercial pilot's certificate at the beginning of training and within 60 days after completion of training.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

INCREASE IN MONTGOMERY GI BILL—ACTIVE DUTY RATES

Current law

Section 3015(b)(1) authorizes the Secretary to award basic monthly education benefits of

\$416.62 for full-time education training and \$338.51 for two-year enlistees.

House bill

Section 102 of H.R. 3674 would increase the basic monthly education benefit for full-time education training and two-year enlistees by \$5 to \$421.62 and \$343.51, respectively.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement follows the Senate bill.

INCREASE IN AUTOMOBILE ALLOWANCE

Current law

Section 3902(a) authorizes the Secretary to make a one-time grant of \$5,500 toward the purchase of an automobile to severely disabled veterans if their disability is the result of an injury incurred or disease contracted in or aggravated by military service.

House bill

Section 203 of H.R. 3674 would authorize the Secretary to increase the automobile allowable from \$5,500 to \$6,500.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

COURT OF VETERANS APPEALS PRO BONO PROGRAM

Current law

There is no provision in current law which relates to legal assistance for financially needy veterans in connection with Court of Veterans Appeals (the Court) proceedings. In fiscal years 1992 through 1995, a discrete line-item appropriation was included in the Court's budget and designated for transfer to the Pro Bono Program's administrator, the Legal Services Corporation. In fiscal year 1996, the Court's operating funds were appropriated through successive continuing resolutions which did not include such a discrete line-item appropriation.

House bill

Section 204 of H.R. 3674 would fund the Pro Bono Program for six years at \$700,000 per year, with an increase of three percent per year. The three percent per year increase would begin in fiscal year 1998. Section 204 would fund the Program through VA's Compensation and Pension account, based on savings realized as a result of the reversal of the Davenport decision pursuant to section 101 of the Compromise Agreement. This amount would be reduced during each of the six years by any appropriation enacted for operation of the Program.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

S. 1711 AS AMENDED (PAY-GO PROVISIONS)

	1997	1998	1999	2000	2001	2002
Sec. 101: Budget authority	-20	-39	-56	-56	-56	-57
Outlays	-20	-39	-56	-56	-56	-57
Sec. 102: Budget authority	1	1	1	1	1	1
Outlays	1	1	1	1	1	1
Sec. 103: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 104: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 105: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 106: Budget authority	5	2	2	3	3	3
Outlays	5	2	2	3	3	3
Sec. 107: Budget authority	-4	4	5	4	3	2
Outlays	-4	4	5	4	3	2

S. 1711 AS AMENDED (PAY-GO PROVISIONS)—Continued

	1997	1998	1999	2000	2001	2002
Sec. 201: Budget authority	-4	-1	0	0	0	0
Outlays	-4	-1	0	0	0	0
Sec. 202: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 211: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 212: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 213: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 301: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 302: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 303: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 311: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 312: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 313: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 401: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 402: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 403: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 404: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 405: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 406: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 501: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 502: Budget authority	-1	-1	-1	-1	-1	-1
Outlays	-1	-1	-1	-1	-1	-1
Sec. 503: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 504: Budget authority	9	9	9	10	10	11
Outlays	7	9	9	10	10	11
Sec. 505: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 506: Budget authority	14	14	16	16	16	16
Outlays	13	14	16	17	14	16
Sec. 507: Budget authority	3	3	3	3	3	3
Outlays	3	3	3	3	3	3
Sec. 508: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 509: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 510: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 601: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 602: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 701: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 702: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 703: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 704: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 705: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 706: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 707: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Sec. 708: Budget authority	*	*	Discretionary	*	*	*
Outlays	*	*	Discretionary	*	*	*
Total:						
Budget authority	3	-8	-21	-20	-21	-22
Outlays	0	-8	-21	-19	-23	-22

Mr. ROCKEFELLER. Mr. President, as the Ranking Minority Member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering S. 1711, a bill that would make amendments to a number of veterans benefits and services. I urge my colleagues to give their unanimous support to this measure as it will be amended with a final compromise developed by the two Veterans' Affairs Committees.

Mr. President, because a description of all of the provisions of this measure—which I will refer to as the "compromise agreement"—are set forth in the explanatory statement which Senator SIMPSON will place in the RECORD, I will just discuss some of the issues which are of particular interest to me. The explanatory statement was developed in cooperation with the House Committee on Veterans' Affairs and

that Committee's Chairman, Bob Stump, will insert the same explanatory statement in the RECORD when the House considers this measure.

OVERTURNING THE DAVENPORT DECISION

Mr. President, section 101 of the compromise agreement amends various provisions of chapter 31 of title 38, United States Code, to effectively reverse the results of the decision of the U.S. Court of Veterans Appeals in *Davenport v. Brown*, 7 Vet. App. 476 (1995).

In the Davenport decision, the Court invalidated VA regulations relating to eligibility for VA vocational rehabilitation benefits, holding that the VA regulations, which required the showing of a connection between a veteran's service-connected disability and the veteran's employment handicap, were not consistent with the underlying law.

Because the facts of the case—in terms of the background of the veteran claimant, his disability, the apparent lack of any employment handicap related to that disability, and the vocational rehabilitation benefit he sought—were so egregious and because of the potential results of the Court's decision on other claimants for vocational rehabilitation benefits, many seemed to challenge the validity of the Court's action.

While I am fully supportive of the provision in the compromise agreement which will reverse the result of the decision, I think it is vital that all understand that the Court's decision was proper and completely correct. The Court was not ruling on the merits of the veteran claimant's disability or on the veteran's need for vocational rehabilitation services. Rather, the Court was ruling on the narrow, legal question—was VA's regulation which was being challenged authorized by the underlying statutory scheme.

Mr. President, reviewing the validity of VA regulations is just one of the vital functions for which the Court was established, one that the Court carries out very well. Rather than expressing any concern about the Court's decision in the Davenport case, we should applaud the Court for its action in ruling that VA had overstepped its legal authority in issuing the regulation in question. To the extent there was a problem in the law that the veteran in that case sought to exploit—and there was—the fault lies with the Congress for our failure to have included the requirement that there be a connection between a veteran's disability and employment handicap when we revised chapter 31 in 1980 in Public Law 96-466.

CONVERSION OF CERTAIN VA LIFE INSURANCE

Mr. President, I am very pleased that the compromise agreement contains a provision, in section 403, which would permit individuals covered by either of two VA insurance programs—SGLI, Servicemembers' Group Life Insurance, and VGLI, Veterans' Group Life Insurance—to convert their policies to commercial policies at any time, rather than, as under current law, being unable to convert a SGLI policy to any-

thing other than a VGLI policy upon leaving active duty and then having to wait five years after leaving service to convert a VGLI policy to a commercial policy.

There are numerous advantages to this change but one of the key ones—and the reason I highlight this provision—is the opportunity it will afford an individual with a terminal illness to convert his or her SGLI or VGLI policy, which can not otherwise be converted prior to death, to a commercial policy. The commercial policy would then be available for conversion to cash through one of two means—acceleration, in which an insured collects on an insurance policy prior to death, or the viatication process, in which an insured sells the policy to a viatical agent who collects at the time of the insured's death.

EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION

Mr. President, as one of the authors of the legislation, enacted in Public Law 103-446, which established the Veterans' Claims Adjudication Commission, and as one of the Commission's major proponents, I am delighted that the compromise agreement, in section 503, contains a provision which extends the Commission through the end of this year so as to enable it to complete its work. The preliminary report, submitted by the Commission earlier this year, showed the depth and breadth of the Commission's work and I look forward with anticipation to the Commission's final report.

EXTENSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS

Mr. President, for purposes of veterans benefits, the "Vietnam era" is defined in title 38 as the period beginning on August 5, 1964, and ending on May 7, 1975. The starting date is tied to the incident in the Gulf of Tonkin which led to the adoption of the Tonkin Gulf Resolution on August 7. However, prior to that time, U.S. forces had been serving in Vietnam for a number of years. Under current law, any individual who served in Vietnam but who left active duty prior to August 1964 is not considered a Vietnam era veteran.

An effort has been underway in the Senate for a number of years, dating back to the early 1980's, to amend title 38 to provide for an earlier starting date for the Vietnam era for those veterans who served in Vietnam. However, despite Senate passage on at least four prior occasions, the House has never agreed to this change.

Finally, Mr. President, we have, this year, reached agreement with our colleagues in the House and the compromise agreement, in section 505, would amend the definition to provide that the Vietnam era includes the period between February 28, 1961, and August 4, 1964, for those who served in Vietnam during that period. The date of February 28, 1961, was chosen because that is the approximate date on which American military advisers began to accompany their Vietnamese

counterparts on military missions and, as such, is used as the starting date for the Vietnam conflict in a number of other contexts.

INCREASE IN AMOUNT OF ACCRUED BENEFITS

Mr. President, as my colleagues know, the VA claims adjudication system is under serious stress and there are frequently great delays in the processing of claims. With these significant delays, there often are awards of significant back due benefits, dating back to when a claim was first filed, when claims are finally awarded. However, under current law, when a veteran dies while pursuing a claim for benefits, if the claim is ultimately awarded, the veteran's survivors are limited to so-called accrued benefits, which are limited to a maximum of one year's worth of benefits. This result applies, regardless of what the size of the award would have been had the veteran been able to pursue the claim to its conclusion. This result frequently deprives survivors of significant benefits.

Mr. President, I think this result is wrong and should be corrected. My preference is to eliminate the limit on accrued benefits totally. However, there is a need for more information on such an effort, especially the cost implications, before it can move forward. As a first step, therefore, I am pleased that the compromise agreement contains, in section 507, a provision which extends the period of accrued benefits from 1 to 2 years.

Mr. President, in closing, I acknowledge the work of my colleagues in the House, Chairman BOB STUMP and the ranking minority member, SONNY MONTGOMERY, and our committee's chairman, Senator SIMPSON, in developing the comprehensive legislation.

Mr. President, I thank the staff who have worked extremely long and hard on this compromise—JILL COCHRAN, Beth Kiker, Pat Ryan, Mike Brinck, Kingston Smith, and others on the House committee, and Bill Brew, Jim Gottlieb, Bill Tuerk, Chris Yoder, and Tom Harvey with the Senate committee. I also thank Bob Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting the compromise agreement.

Mr. NICKLES. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be deemed read a third time, and passed, and the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5418) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 1711), as amended, was deemed read the third time and passed, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans' Benefits Improvements Act of 1996".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Employment handicap for which an individual may receive training and rehabilitation assistance.
Sec. 102. Permanent authority for alternative teacher certification programs.
Sec. 103. Period of operation for approval.
Sec. 104. Elimination of distinction between open circuit TV and independent study.
Sec. 105. Cooperative programs.
Sec. 106. Enrollment of certain VEAP participants in Montgomery GI Bill.
Sec. 107. Montgomery GI Bill eligibility for certain active duty members of Army and Air National Guard.

TITLE II—HOUSING AND MEMORIAL AFFAIRS**Subtitle A—Housing**

Sec. 201. Extension of enhanced loan asset sale authority.
Sec. 202. Direct loans to refinance loans under Native American veteran housing loan pilot program.

Subtitle B—Memorial Affairs

Sec. 211. Clarification of eligibility of minors for burial in national cemeteries.
Sec. 212. Burial benefits for certain veterans who die in State nursing homes.
Sec. 213. Outer burial receptacles.

TITLE III—EMPLOYMENT AND TRAINING**Subtitle A—Veterans' Employment and Training**

Sec. 301. Regional Administrator.
Sec. 302. Support personnel for Directors of Veterans' Employment and Training.
Sec. 303. Pilot program to integrate and streamline functions of local veterans' employment representatives.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

Sec. 311. Amendments to chapter 43 of title 38, United States Code.
Sec. 312. Amendments to transition rules and effective dates.
Sec. 313. Effective dates.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

Sec. 401. Short title.
Sec. 402. Merger of Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserve.
Sec. 403. Conversion of SGLI and VGLI to commercial life insurance policy.
Sec. 404. Information to be provided members concerning automatic maximum coverage of \$200,000 under Servicemen's Group Life Insurance.

Sec. 405. Renaming of Servicemen's Group Life Insurance program.

Sec. 406. Technical amendment.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 501. Revision of authority relating to Centers for Minority Veterans and Women Veterans.
Sec. 502. Limitation on clothing allowance for incarcerated veterans.
Sec. 503. Extension of Veterans' Claims Adjudication Commission.
Sec. 504. Pilot program for use of contract physicians for disability examinations.
Sec. 505. Expansion of period of Vietnam era for certain veterans.
Sec. 506. Payment of benefit to surviving spouse for month in which veteran dies.
Sec. 507. Increase in period for which accrued benefits payable.
Sec. 508. Appointment of veterans service organizations as claimants' representatives.
Sec. 509. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 510. Limitation on relocation or reduction in staffing of certain elements of the Education Service of the Veterans Benefits Administration.

TITLE VI—OTHER MATTERS

Sec. 601. Extension of certain authorities for services for homeless veterans.
Sec. 602. Repair and long-term maintenance of war memorials.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

Sec. 701. Establishment of Commission.
Sec. 702. Duties of Commission.
Sec. 703. Powers of Commission.
Sec. 704. Miscellaneous administrative provisions.
Sec. 705. Commission personnel matters.
Sec. 706. Termination of Commission.
Sec. 707. Definitions.
Sec. 708. Funding.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION BENEFITS**SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.**

(a) **DEFINITIONS.**—Section 3101 is amended—

(1) in paragraph (1), by inserting ", resulting in substantial part from a disability described in section 3102(1)(A) of this title," after "impairment";

(2) in paragraph (6), by inserting "authorized under section 3120 of this title" after "assistance"; and

(3) in paragraph (7), by inserting ", resulting in substantial part from a service-connected disability rated at 10 percent or more," after "impairment".

(b) **BASIC ENTITLEMENT.**—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 20 percent or more";

(2) in paragraph (2)(A), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 10 percent"; and

(3) by amending paragraph (2)(B) to read as follows:

"(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.".

(c) **PERIODS OF ELIGIBILITY.**—Section 3103 is amended—

(1) in subsection (b)(3), by striking out "described in section 3102(1)(A)(i) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out "particular" and inserting in lieu thereof "current"; and

(B) in paragraph (2), by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment"; and

(3) in subsection (d), by striking out "under this chapter" and inserting in lieu thereof "in accordance with the provisions of section 3120 of this title".

(d) **SCOPE OF SERVICES AND ASSISTANCE.**—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "such veteran's disability or disabilities cause" and inserting in lieu thereof "the veteran has an employment handicap or"; and

(ii) by inserting "reasonably" after "goal is";

(B) in paragraph (7)(A)—

(i) by striking out "(i)"; and

(ii) by striking out ", and (ii)" and all that follows through "such Act"; and

(C) in paragraph (12), by striking out "For the most severely disabled veterans requiring" and inserting in lieu thereof "For veterans with the most severe service-connected disabilities who require"; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) **DURATION OF REHABILITATION PROGRAMS.**—Paragraph (1) of section 3105(c) is amended by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment".

(f) **INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.**—(1) Section 3106 is amended—

(A) in subsection (a), by striking out "described in clause (i) or (ii) of section 3102(1)(A) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(B) in subsection (b), by striking out "counseling in accordance with";

(C) in subsection (c), by striking out "with extended" and inserting in lieu thereof "with an extended"; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title."

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out "3106(e)" and inserting in lieu thereof "3106(f)";

(B) in section 3109, by striking out "3106(d)" and inserting in lieu thereof "3106(e)";

(C) in section 3118(c), by striking out "3106(e)" and inserting in lieu thereof "3106(f)"; and

(D) in section 3120(b), by striking out "3106(d)" and inserting in lieu thereof "3106(d) or (e)".

(g) **ALLOWANCES.**—Section 3108 is amended—

(1) in subsection (a)(2), by striking out "following the conclusion of such pursuit" and inserting in lieu thereof "while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title"; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting "eligible for and" after "veteran is";

(ii) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30"; and

(iii) by striking out "either chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30"; and

(B) in subparagraph (B), by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30".

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting "rated at 10 percent or more" after "disability".

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out "service-connected disability described in section 3102(1)(A)" and inserting in lieu thereof "serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)"; and

(2) in subsection (d), by striking out "(and (b))."

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

SEC. 102. PERMANENT AUTHORITY FOR ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

Subsection (c) of section 3452 is amended by striking out "For the period ending on September 30, 1996, such" and inserting in lieu thereof "Such".

SEC. 103. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section 3689 in the table of sections at the beginning of such chapter.

(2) Subparagraph (C) of section 3680A(d)(2) is amended by striking out "3689(b)(6) of this title" and inserting in lieu thereof "subsection (g)".

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—Section 3680A is amended by adding after subsection (d) the following new subsections:

"(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

"(1) the educational institution has been operating for less than two years;

"(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

"(3) following either a change in ownership or a complete move outside its original gen-

eral locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

"(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

"(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

"(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

"(g) Notwithstanding subsections (e) and (f), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Transportation and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve."

(c) APPROVAL OF ACCREDITED COURSES.—Subsection (b) of section 3675 is amended to read as follows:

"(b) As a condition of approval under this section, the State approving agency must find the following:

"(1) The educational institution keeps adequate records, as prescribed by the State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

"(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

"(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title."

SEC. 104. ELIMINATION OF DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY.

(a) VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Subsection (f) of section 3482 is amended by striking out "in part".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3523 is amended—

(1) in subsection (a)(4), by inserting "(including open circuit television)" after "independent study program" the second place it appears; and

(2) in subsection (c), by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio".

(c) ADMINISTRATION OF EDUCATIONAL BENEFITS.—Subsection (c) of section 3680A is amended by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio".

SEC. 105. COOPERATIVE PROGRAMS.

(a) CHAPTER 30.—Section 3032 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CHAPTER 32.—Section 3231 is amended by striking out subsection (d) and redesign-

ating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) CHAPTER 35.—Subsection (b) of section 3532 is amended by striking out "\$327" and inserting in lieu thereof "\$404".

(d) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) in subsection (b)(1), by striking out "(g)" and inserting in lieu thereof "(f)".

SEC. 106. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS IN MONTGOMERY GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 30 is amended by inserting after section 3018B the following new section:

"§3018C. Opportunity for certain VEAP participants to enroll"

"(a) Notwithstanding any other provision of law, an individual who—

"(1) is a participant on the date of the enactment of the Veterans' Benefits Improvements Act of 1996 in the educational benefits program provided by chapter 32 of this title;

"(2) is serving on active duty (excluding the periods referred to in section 3202(1)(C) of this title) on such date;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty during the one-year period specified in paragraph (5), is discharged or released therefrom with an honorable discharge; and

"(5) during the one-year period beginning on the date of the enactment of the Veterans' Benefits Improvements Act of 1996, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

may elect to become entitled to basic educational assistance under this chapter.

"(b) With respect to an individual who makes an election under subsection (a) to become entitled to basic education assistance under this chapter—

"(1) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is \$1,200; or

"(2) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between \$1,200 and the total amount of reductions under paragraph (1), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual, as provided in section 3223(b) of this title and subject to subsection (b)(2) of this section, the unused contributions made by the individual to the

Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) shall remain in such account to make payments of benefits to such individual under section 3015(f) of this title.

"(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) and of subparagraph (A) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing."

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 is amended by inserting after the item relating to section 3018B the following new item:

"3018C. Opportunity for certain VEAP participants to enroll."

(2) Subsection (d) of section 3013 is amended by striking out "or 3018B" and inserting in lieu thereof "3018B, or 3018C".

(3) Subsection (f) of section 3015 is amended by inserting "3018B, or 3018C" after "section 3018A".

(c) TRANSFER OF EDUCATIONAL ASSISTANCE FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is amended—

(A) by striking out "3018B, or 3018C" and inserting in lieu thereof "3018B, or 3018C"; and

(B) by striking out "as provided in such section" and inserting in lieu thereof "to the Secretary for payments for entitlement earned under subchapter II of chapter 30".

(2) Paragraph (1) of section 3035(b) is amended by inserting before the period at the end the following: "and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title".

SEC. 107. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Paragraph (7) of section 3002 is amended by striking out "November 29, 1989" and inserting in lieu thereof "June 30, 1985".

(b) APPLICATION.—(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) by making an election to become entitled to basic educational assistance under such chapter. The election may only be made during the nine-month period beginning on the date of the enactment of this Act and in the manner required by the Secretary of Defense.

(2) In the case of any individual making an election under paragraph (1)—

(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is \$1,200; or

(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Veterans Affairs shall collect from an individual who makes such an election an amount equal to the difference between \$1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury as miscellaneous receipts.

(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

(A) the date determined under such section 3031; or

(B) the date on which the election under paragraph (1) becomes effective.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

SEC. 201. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Paragraph (2) of section 3720(h) is amended by striking out "December 31, 1996" and inserting in lieu thereof "December 31, 1997".

SEC. 202. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

"(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

"(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

"(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection."

(b) LOAN FEE.—Section 3729(a)(2)(E) is amended by striking out "or 3712(a)(1)(F)" and inserting in lieu thereof "3712(a)(1)(F), or 3762(h)".

Subtitle B—Memorial Affairs

SEC. 211. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after "minor child" the following: "(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)".

SEC. 212. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

Subsection (a) of section 2303 is amended to read as follows:

"(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

"(A) pay the actual cost (not to exceed \$300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

"(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(2) A facility described in this paragraph is—

"(A) a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

"(B) an institution at which the deceased veteran was, at the time of death, receiving—

"(i) hospital care in accordance with section 1703 of this title;

"(ii) nursing home care under section 1720 of this title; or

"(iii) nursing home care for which payments are made under section 1741 of this title."

SEC. 213. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out "a grave liner" each place it appears and inserting in lieu thereof "an outer burial receptacle";

(2) in paragraph (2)—

(A) by striking out "grave liners" and inserting in lieu thereof "outer burial receptacles"; and

(B) by striking out "specifications and procedures" and inserting in lieu thereof "regulations or procedures"; and

(3) by adding at the end the following:

"(3) Regulations or procedures under paragraph (2) may specify that—

"(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

"(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

"(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

"(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

"(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures."

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2306. Headstones, markers, and burial receptacles".

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

"2306. Headstones, markers, and burial receptacles."

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

SEC. 301. REGIONAL ADMINISTRATOR.

Paragraph (1) of section 4102A(e) is amended by adding at the end the following: "Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran."

SEC. 302. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out "full-time Federal clerical support" and inserting in lieu thereof "full-time Federal clerical or other support personnel"; and

(2) in the third sentence, by striking out "Full-time Federal clerical support personnel" and inserting in lieu thereof "Full-time Federal clerical or other support personnel".

SEC. 303. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) **AUTHORITY TO CONDUCT PILOT PROGRAM.**—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor may conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) **AUTHORITIES UNDER CHAPTER 41.**—To implement the pilot program, the Secretary of Labor may suspend or limit application of those provisions of chapter 41 of title 38, United States Code (other than sections 4104(b)(1) and (c)) that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of such chapter, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) **TARGETED VETERANS.**—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) **STATES DESIGNATED.**—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) **REPORTS TO CONGRESS.**—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) **DEFINITIONS.**—For the purposes of this section:

(1) The term "veteran" has the meaning given such term by section 101(2) of title 38, United States Code.

(2) The term "disabled veteran" has the meaning given such term by section 4211(3) of such title.

(3) The term "active military, naval, or air service" has the meaning given such term by section 101(24) of such title.

(g) **ALLOCATION OF FUNDS.**—Any amount otherwise available for fiscal year 1997, 1998,

or 1999 to carry out section 4102A(b)(5) of title 38, United States Code, with respect to a State designated by the Secretary of Labor pursuant to subsection (d) shall be available to carry out the pilot program during that fiscal year with respect to that State.

(h) **EXPIRATION DATE.**—The authority to carry out the pilot program under this section shall expire on October 1, 1999.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

SEC. 311. AMENDMENTS TO CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

Chapter 43 is amended as follows:

(1) Section 4301(a)(2) is amended by striking out "under honorable conditions".

(2) Section 4303(16) is amended by inserting "national" before "emergency".

(3) Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(c) An employer shall be considered to have engaged in actions prohibited—

"(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

"(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

"(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title."

(4) Section 4312 is amended—

(A) in subsection (a), by striking out "who is absent from a position of employment" and inserting in lieu thereof "whose absence from a position of employment is necessitated";

(B) in subsection (c)—

(i) by striking out "section 270" in paragraph (3) and inserting in lieu thereof "section 10147"; and

(ii) in paragraph (4)—

(I) by striking out "section 672(a), 672(g), 673, 673b, 673c, or 688" in subparagraph (A) and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, or 12305";

(II) by amending subparagraph (B) to read as follows:

"(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emer-

gency declared by the President or the Congress, as determined by the Secretary concerned";

(III) by striking out "section 673b" in subparagraph (C) and inserting in lieu thereof "section 12304"; and

(IV) by striking out "section 3500 or 8500" in subparagraph (E) and inserting in lieu thereof "section 12406"; and

(C) in subsection (d)(2)(C), by striking out "is brief or for a nonrecurrent period and without a reasonable expectation" and inserting in lieu thereof "is for a brief, nonrecurrent period and there is no reasonable expectation".

(5) Section 4313(a)(4) is amended—

(A) by striking out "uniform services" in subparagraph (A)(ii) and inserting in lieu thereof "uniformed services"; and

(B) by striking out "of lesser status and pay which" and inserting in lieu thereof "which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which".

(6) Section 4316(d) is amended by adding at the end the following new sentence: "No employer may require any such person to use vacation, annual, or similar leave during such period of service."

(7) Section 4317(a) is amended—

(A) by striking out "(a)(1)(A) Subject to paragraphs (2) and (3), in" and inserting in lieu thereof "(a)(1) In";

(B) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by subparagraph (A) of this paragraph) as subparagraphs (A) and (B), respectively;

(C) by redesignating subparagraph (B) as paragraph (2); and

(D) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(8) The last sentence of section 4318(b)(2) is amended by striking out "services," and inserting in lieu thereof "services, such payment period".

(9) Section 4322 is amended—

(A) in the second sentence of subsection (d) by inserting "attempt to" before "resolve"; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking out "with respect to a complaint under subsection (d) are unsuccessful," and inserting in lieu thereof "with respect to any complaint filed under subsection (a) do not resolve the complaint."; and

(ii) in paragraph (2), by inserting "or the Office of Personnel Management" after "Federal executive agency".

(10) Section 4323(a) is amended—

(A) in paragraph (1), by striking out "of an unsuccessful effort to resolve a complaint"; and

(B) in paragraph (2)(A), by striking out "regarding the complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

(11) Section 4324 is amended—

(A) in subsection (a)(1), by striking out "of an unsuccessful effort to resolve a complaint relating to a Federal executive agency";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(ii) in paragraph (1), by striking out "regarding a complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)"; and

(C) in subsection (c)(2)—

(i) by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(ii) by striking out "employee" and inserting in lieu thereof "Office".

(12) Section 4325(d)(1) is amended—

(A) by striking out ", alternative employment in the Federal Government under this chapter."; and

(B) by striking out "employee" the last place it appears and inserting in lieu thereof "employees".

(13) Section 4326(a) is amended by inserting "have reasonable access to and the right to interview persons with information relevant to the investigation and shall" after "at all reasonable times.".

SEC. 312. AMENDMENTS TO TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of the enactment of this Act, which is served up to 60 days after the date of the enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of the enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 313. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by clause (i), and subclauses (I), (III), and (IV) of clause (ii), of section 311(4)(B) shall take effect as of December 1, 1994.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the "Veterans' Insurance Reform Act of 1996".

SEC. 402. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding "and" at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the matter following paragraph (2), by striking out "or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the

Reserves meets the qualifications of section 1965(5)(D) of this title."; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out "subparagraph (B), (C), or (D) of section 1965(5)" in the matter preceding paragraph (1) and inserting in lieu thereof "section 1965(5)(B)";

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and";

(D) in paragraph (4)—

(i) by striking out "one hundred and twenty days after" in the matter preceding subparagraph (A) and all that follows through "(A) unless on" and inserting in lieu thereof "120 days after separation or release from such assignment, unless on";

(ii) by striking out "prior to the expiration of one hundred and twenty days" and inserting in lieu thereof "before the end of 120 days";

(iii) by striking out the semicolon after "such assignment" and inserting in lieu thereof a period; and

(iv) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out "is assigned to the Reserve (other than the Retired Reserve)" and all that follows through "section 1965(5)(D) of this title.";

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of the enactment of this Act.

SEC. 403. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE POLICY.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968, as amended by section 402(c)(2), is amended—

(1) by inserting "(1)" after "(b)" at the beginning of the subsection;

(2) by striking out "would cease," in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof "would cease—

"(A) shall be automatically converted to Veterans' Group Life Insurance, subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

"(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums."; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out "Such automatic conversion" and inserting in lieu thereof "Automatic conversion to Veterans' Group Life Insurance under paragraph (1)".

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)";

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

"(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than \$200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed \$200,000."; and

(2) in subsection (e)—

(A) in the first sentence, by inserting "at any time" after "shall have the right"; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective.".

SEC. 404. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF \$200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 402(b), is further amended by inserting after subsection (c) the following new subsection (d):

"(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of \$200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

"(1) the purpose and role of life insurance in financial planning;

"(2) the difference between term life insurance and whole life insurance;

"(3) the availability of commercial life insurance; and

"(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.".

SEC. 405. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.—Chapter 19 is amended as follows:

(1) The following provisions are amended by striking out "Servicemen's Group Life Insurance" each place it appears and inserting in lieu thereof "Servicemembers' Group Life Insurance":

(A) Subsections (a), (c), and (e) of section 1967.

(B) Section 1968(b).

(C) Subsections (a) through (d) of section 1969.

(D) Subsections (a), (f), and (g) of section 1970.

(E) Section 1971(b).

(F) Section 1973.

(G) The first sentence of section 1974(a).

(H) Subsections (a), (d), and (g) of section 1977.

(2)(A) The heading of subchapter III is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE".

(B) The heading of section 1974 is amended to read as follows:

"§ 1974. Advisory Council on Servicemembers' Group Life Insurance".

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE";

and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

"1974. Advisory Council on Servicemembers' Group Life Insurance."

(C) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out "servicemen's" the first place it appears and inserting in lieu thereof "servicemembers".

(2) Sections 3017(a)(2)(A)(i) and 3224(1) are amended by striking out "Servicemen's" each place it appears and inserting in lieu thereof "Servicemembers".

(d) REFERENCES.—Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.

SEC. 406. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out "and (e)" in the first and second sentences.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

SEC. 501. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting "career or" before "noncareer".

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a-2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

"(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title."

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

"(g) In this section—

"(1) The term 'veterans who are minorities' means veterans who are minority group members.

"(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title."

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out "(relating to)" and all that follows through "and of" and inserting in lieu thereof "(42 U.S.C. 289a-2) with respect to the inclusion of women in clinical research and on".

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting "including the Center for

Women Veterans" before the period at the end.

(2) Section 544(b) is amended by inserting "including the Center for Minority Veterans" before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 502. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) PRO RATA REDUCTION.—Chapter 53 is amended by inserting after section 5313 the following new section:

"§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

"In the case of a veteran who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of any annual clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to $\frac{1}{365}$ of the amount of the allowance otherwise payable under that section for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

"5313A. Limitation on payment of clothing allowance to incarcerated veterans."

SEC. 503. EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION.

(a) EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.—Section 402(e)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103-446; 108 Stat. 4661) is amended by striking out "Not later than 18 months after such date" and inserting in lieu thereof "Not later than December 31, 1996".

(b) FUNDING.—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and 1997 for the payment of compensation and pension, the amount of \$75,000 is hereby made available for the activities of the Veterans' Claims Adjudication Commission under title IV of the Veterans' Benefits Improvements Act of 1994 (Public Law 103-446; 108 Stat. 4659; 38 U.S.C. 5101 note).

SEC. 504. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, may conduct a pilot program under this section under which examinations with respect to medical disability of applicants for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits may be made by persons other than employees of the Department of Veterans Affairs. Any such examination shall be performed pursuant to contracts entered into by the Under Secretary for Benefits with those persons.

(b) LIMITATION.—The Secretary may carry out the pilot program under this section through not more than 10 regional offices of the Department of Veterans Affairs.

(c) SOURCE OF FUNDS.—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.

(d) REPORT TO CONGRESS.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the

Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

SEC. 505. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Paragraph (29) of section 101 is amended to read as follows:

"(29) The term 'Vietnam era' means the following:

"(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

"(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases."

(b) LIMITED EXPANSION FOR SPECIFIC COMPENSATION PURPOSES.—(1) Paragraphs (1)(B) and (3) of section 1116(a) are each amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975".

(2) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and (4) of such section are amended by striking out "during the Vietnam era" and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975".

(c) LIMITED EXPANSION FOR SPECIFIC HEALTH CARE PURPOSES.—(1) The provision stipulated in paragraph (2) is amended—

(A) in clause (i), by striking out "during the Vietnam era," and inserting in lieu thereof "during the period beginning on January 9, 1962, and ending on May 7, 1975"; and

(B) in clause (ii), by striking out "such era" and inserting in lieu thereof "such period".

(2) The provision referred to in paragraph (1)—

(A) if the Veterans' Health Care Eligibility Reform Act of 1996 is enacted as a measure of the One Hundred Fourth Congress, is paragraph (4)(A) of section 1710(e) of title 38, United States Code, as added by section 102 of such Act; and

(B) if such Act is not enacted as a measure of the One Hundred Fourth Congress, is paragraph (1)(A) of section 1710(e) of such title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 506. PAYMENT OF BENEFIT TO SURVIVING SPOUSE FOR MONTH IN WHICH VETERAN DIES.

(a) BENEFIT FOR MONTH OF DEATH.—Section 5310 is amended—

(1) by inserting "(a)" before "If, in accordance with"; and

(2) by adding at the end the following:

"(b)(1) If the surviving spouse of a veteran who was in receipt of compensation or pension at the time of death is not entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which the veteran's death occurs, that surviving spouse shall be entitled to a benefit for that month in the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

"(2) If (notwithstanding section 5112(b)(1) of this title) a check or other payment is issued to, and in the name of, the deceased veteran as a benefit payment under chapter 11 or 15 of this title for the month in which death occurs, that check or other payment (A) shall be treated for all purposes as being payable to the surviving spouse, and (B) if that check or other payment is negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under this paragraph. However, if such check or other payment is in an amount less than

the amount of the benefit under paragraph (1), the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of this title."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the death of compensation and pension recipients occurring after December 31, 1996.

SEC. 507. INCREASE IN PERIOD FOR WHICH ACCRUED BENEFITS PAYABLE.

Subsection (a) of section 5121 is amended by striking out "one year" in the matter preceding paragraph (1) and inserting in lieu thereof "two years".

SEC. 508. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) **POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.**—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

"(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned."

(b) **APPLICABILITY.**—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 509. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Subsection (e) of section 7104 is amended to read as follows:

"(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

"(2) If the claimant has an authorized representative, the Board shall—

"(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

"(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail."

SEC. 510. LIMITATION ON RELOCATION OR REDUCTION IN STAFFING OF CERTAIN ELEMENTS OF THE EDUCATION SERVICE OF THE VETERANS BENEFITS ADMINISTRATION.

No funds available to the Department of Veterans Affairs may be obligated or expended before January 1, 1998, to relocate any function of, or to reduce the number of personnel assigned to, any of the following elements of the Veterans Benefits Administration of the Department of Veterans Affairs:

(1) The Office of Education Procedures Systems.

(2) The Office of Education Operations.

(3) The Office of Education Policy and Program Administration.

TITLE VI—OTHER MATTERS

SEC. 601. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) **AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.**—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1998".

(b) **AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.**—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

"(E) \$10,000,000 for fiscal year 1997.

"(F) \$10,000,000 for fiscal year 1998."

SEC. 602. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

(a) **REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.**—Section 5(b)(2) of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (36 U.S.C. 125(b)(2)), is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) In assuming responsibility for a war memorial under paragraph (1), the Commission may enter into arrangements with the sponsors of the memorial to provide for the repair or long-term maintenance of the memorial. Any funds transferred to the Commission for the purpose of this subparagraph shall, in lieu of subparagraph (A), be deposited by the Commission in the fund established by paragraph (3).

"(3)(A) There is established in the Treasury a fund which shall be available to the Commission for expenses for the maintenance and repair of memorials with respect to which the Commission enters into arrangements under paragraph (2)(B). The fund shall consist of (i) amounts deposited, and interest and proceeds credited, under subparagraph (B), and (ii) obligations obtained under subparagraph (C).

"(B) The Commission shall deposit in the fund such amounts from private contributions as may be accepted under paragraph (2)(B). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

"(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

"(D) The Commission shall separately account for all moneys deposited in and expended from the fund with respect to each war memorial for which an arrangement for the repair or long-term maintenance of the memorial is entered to under paragraph (2)(B)."

(b) **ACCOUNTING PROCEDURES RELATING TO RECEIPT AND EXPENDITURE OF CONTRIBUTIONS.**—Such Act is further amended by adding at the end the following new section:

"SEC. 14. (a) The Commission shall have a system of financial controls to enable the

Commission to comply with the requirements of subsection (b) and section 5(b)(3)(D).

"(b) The Commission shall—

"(1) by March 1 of each year (beginning with 1998)—

"(A) prepare a financial statement which covers all accounts and associated activities of the Commission for the preceding fiscal year and is consistent with the requirements of section 3515 of title 31, United States Code; and

"(B) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(2) obtain an audit by the Comptroller General of the United States of each financial statement prepared under paragraph (1)(A), which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

"(c) The Commission may not obligate, withdraw, or expend funds received as contributions before March 1, 1998."

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the Commission on Servicemembers and Veterans Transition Assistance (hereafter in this title referred to as the "Commission").

(b) **MEMBERSHIP.**—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters. The members shall be appointed as follows:

(A) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

(B) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the Senate.

(C) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on National Security of the House of Representatives.

(D) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on Armed Services of the Senate.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed under paragraph (1) as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) In addition to the members appointed under paragraph (1), the following shall be nonvoting members of the Commission:

(A) The Under Secretary for Benefits of the Department of Veterans Affairs.

(B) The Assistant Secretary of Defense for Force Management and Personnel.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(4) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(5) The appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed under subsection (b)(1), the Commission shall hold its first meeting.

(e) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) **CHAIRMAN AND VICE CHAIRMAN.**—The Commission shall select a chairman and vice chairman from among its members.

(g) **MEETINGS.**—The Commission shall meet at the call of the chairman of the Commission.

(h) **PANELS.**—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) **AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 702. DUTIES OF COMMISSION.

(a) **IN GENERAL.**—The Commission shall—

(1) review the adequacy and effectiveness of veterans transition assistance and benefits programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition assistance and benefits programs among the various departments and agencies of the Government and determine the feasibility and desirability of consolidating such administration;

(3) evaluate proposals for improving such programs, including proposals for alternative means of providing services delivered by such programs; and

(4) make recommendations to Congress regarding the need for improvements in such programs.

(b) **REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.**—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 701(b)(1) and the member specified in subparagraph (B) of section 701(b)(3) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members.

(2) In carrying out the review, those members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Armed Forces for such programs.

(C) The adequacy of funding levels for such programs.

(D) The effect, if any, of the existence of such programs on military readiness.

(E) The extent to which such programs provide members of the Armed Forces with job-search skills.

(F) The extent to which such programs prepare such members for employment in the private sector and in the public sector.

(G) The effectiveness of such programs in assisting such members in finding employ-

ment in the public sector upon their separation from service.

(H) The ways in which such programs could be improved.

(3) In carrying out the review, the Commission shall make use of previous studies which have been made of such programs.

(c) **REVIEW OF PROGRAMS TO ASSIST VETERANS.**—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 701(b)(1) and the members specified in subparagraphs (A) and (C) of section 701(b)(3) shall review the following programs:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Department of Veterans Affairs for such programs.

(C) The adequacy of funding levels for such programs.

(D) The extent to which such programs provide veterans with job-search skills.

(E) The extent to which such programs prepare veterans for employment in the private sector and in the public sector.

(F) The effectiveness of such programs in assisting veterans in finding employment in the public sector upon their separation from service.

(G) The ways in which such programs could be improved.

(d) **REPORTS.**—(1) Not later than 90 days after the date on which all members of the Commission have been appointed under section 701(b)(1), the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the heads of other appropriate departments and agencies of the Government.

(2)(A) Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 703. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(b) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) **MISCELLANEOUS ADMINISTRATIVE SUPPORT.**—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall, upon the request of the chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 705. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) **TRAVEL AND TRAVEL EXPENSES.**—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—(1) The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to five additional staff members as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a non-reimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 706. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

SEC. 707. DEFINITIONS.

For the purposes of this title:

(1) The term "veterans transition assistance and benefits program" means any program of the Government the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term "Armed Forces" has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term "veterans service organization" means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 708. FUNDING.

(a) **IN GENERAL.**—The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

(b) **AVAILABILITY.**—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

The title is amended so as to read:

To amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

Mr. NICKLES. Mr. President, this bill is a very important bill. It is the Senate bill S. 1711, the Veterans' Benefits Improvements Act of 1996.

Senator SIMPSON had a substitute which we are now entering into the RECORD. Again, this is very substantive legislation, which Senator SIMPSON deserves great accolades for. And I compliment him for the amendment.

CORRECTING THE ENROLLMENT OF THE COAST GUARD AUTHORIZATION ACT CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 229, which corrects the enrollment of the Coast Guard authorization conference report.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the concurrent resolution be considered agreed to, with the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 229) was agreed to.

COAST GUARD AUTHORIZATION ACT OF 1996—CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of the Senate conference report to accompany S. 1004, the Coast Guard authorization.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference of the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1996.)

Mr. CHAFEE. Mr. President, I rise in support of the conference report to S. 1004, the Coast Guard Authorization Act. As chairman of the Environment and Public Works Committee, which has jurisdiction over oil pollution issues, I am pleased to report that S. 1004 contains a number of important improvements to the Oil Pollution Act of 1990, or OPA. These improvements represent several solid steps forward in our ongoing efforts to prevent oil spills from occurring in our Nation's waters and to better respond to the oil spills that do occur.

I convened the Environment and Public Works Committee for a series of hearings to address oil pollution issues earlier this year in response to a number of major oil spills.

The spill of greatest interest to me, as you might imagine, happened just off the coast of my home State of

Rhode Island on January 19 of this year. It occurred when a tug boat had a fire in rough seas and eventually lost control of the barge it was towing, which was carrying millions of gallons of home heating oil. The sad outcome was that the barge, the North Cape, ran aground and spilled some 800,000 gallons of oil into Block Island Sound.

The economic and environmental harm to my State from the spill was extensive. Thousands of lobster carcasses washed up on our shores, hundreds of birds were left dead or severely injured, and many who rely upon the sea for their livelihood in the area were financially hurt, some seriously.

The committee held a total of three hearings. The first of these was held in Rhode Island so we could hear and learn from the people most directly affected by the spill.

In our hearings we learned that, overall, OPA is working pretty well. The clear consensus of all witnesses who testified during our hearings is that OPA is a valuable piece of legislation that has helped to produce faster and more effective spill responses throughout the last 6 years.

Nevertheless, there is room for improvement in the Act. On the prevention side, for example, OPA can, and should, be strengthened so that we can avoid having to respond to an oil spill at all. The recent spills have only served to underscore the need for more effective prevention measures. We also learned that our oil spill response capabilities can, and should, be honed.

As a result, on May 7, I, along with Senators LIEBERMAN and LAUTENBERG, introduced S. 1730, the Oil Spill Prevention and Response Improvement Act. Senator PELL also eventually became a cosponsor. As its name implies, the bill has two major purposes: First, to prevent oil spills from occurring; and second, to provide for a more effective response to the oil spills that do occur.

On June 20, the Committee on Environment and Public Works voted 17 to 0 to report S. 1730. I am extremely gratified that the majority of the provisions and issues addressed in S. 1730 as reported are contained in the conference report before us today.

Let me now explain what these provisions are and the intent underlying them.

ENHANCING OIL SPILL PREVENTION

There are two major provisions in the conference report that will help prevent oil spills from single-hull oil-carrying barges. Both provide for new rules to apply to such barges within 1 year, by October 1, 1997.

The first set of rules will require all single-hull oil-carrying barges to have means to prevent grounding in the event of a problem at sea. The required anti-grounding protection can take the form of an operable anchor and crew